



UNITED STATES PATENT AND TRADEMARK OFFICE

GT

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,974	07/11/2003	Anneli Torronen	16833	4053
23389	7590	01/31/2006	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			GUPTA, ANISH	
			ART UNIT	PAPER NUMBER
			1654	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/617,974	Applicant(s) TORRONEN ET AL.	
	Examiner Anish Gupta	Art Unit 1654	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-5-03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5-7, 9-15 and 17 rejected under 35 U.S.C. 102(b) as being anticipated by Bayless et al.

The claims are drawn to maintaining normal blood pressure, treating hypertension, reducing blood pressure using glycine betine.

Bayless et al. teach method of treating a condition of hypertension to a subject in need thereof by administering a combination calcium agent, methionine compound and betaine (see claim 3 of the reference). The reference states that betaine is in a concentration of .5 to 5 grams (see claim 3). Note that this concentration is within ranged claimed in claim 11-15 of the reference.

Hypertension is a common disorder in which blood pressure remains abnormally high (a reading of 140/90 mm Hg or greater). Thus treatment of hypertension would necessarily result in both reduction of high blood pressure and normalization of blood pressure. Thus, the reference meets the limitation of claims 1 and 5. Even though the reference teach the disclosure of a combination of agents, the claimed invention utilizes the claim language of comprising. The transitional term “comprising”, which is synonymous with “including,” “containing,” or “characterized by,” is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. Thus, the claims allow for “unrecited elements” and as such the combination disclosed in the reference anticipates the claimed invention.

Art Unit: 1654

2. Claims 1-17 rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al.

(ZA9503839)

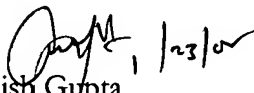
The claims are drawn to maintaining normal blood pressure, treating hypertension, reducing blood pressure using glycine betine.

Davis et al. teach method of treating a condition of hypertension combination $MgCO_3$ and and betaine hydrochloride(see page 7). The reference states that betaine is in a concentration of 1460 mg (see page 8, example 1). The reference states that “[I]n patients with cystathionine β synthetase deficiency, 6g of betaine, administered daily, was shown to decrease the level of homocysteine, reducing hypertension in the patients and the frequency of their seizures. Note that this concentration is within ranged claimed in claim 11-15 of the reference. Hypertension is a common disorder in which blood pressure remains abnormally high (a reading of 140/90 mm Hg or greater). Thus treatment of hypertension would necessarily result in both reduction of high blood pressure and normalization of blood pressure. Thus, the reference meets the limitation of claims 1 and 5. Even though the reference teach the disclosure of a combination of agents, the claimed invention utilizes the claim language of comprising. The transitional term “comprising”, which is synonymous with “including,” “containing,” or “characterized by,” is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. Thus, the claims allow for “unrecited elements” and as such the combination disclosed in the reference anticipates the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Gupta whose telephone number is (571)272-0965. If attempts to reach

Art Unit: 1654

the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell, can normally be reached on (571) 272-0974. The fax phone number of this group is (571)-273-8300.


Anish Gupta
Patent Examiner